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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 09/724,605   | 11/28/2000  | William Joseph Semper | SAMS01-00142        | 7651             |
| 7590   | 08/11/2004  |                       | EXAMINER            |                  |
| William A. Munck, Esq.<br>NOVAKOV DAVIS & MUNCK, P.C.<br>900 Three Galleria Tower<br>13155 Noel Road<br>Dallas, TX 75240 |             |                       | MARCELO, MELVIN C   |                  |
|  |             | ART UNIT              | PAPER NUMBER        |                  |
|  |             | 2663                  |                     |                  |
| DATE MAILED: 08/11/2004  |             |                       |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>    |  |
|------------------------------|------------------------|------------------------|--|
|                              | 09/724,605             | SEMPER, WILLIAM JOSEPH |  |
| <b>Examiner</b>              | <b>Art Unit</b>        |                        |  |
| Melvin Marcelo               | 2663                   |                        |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 November 2000.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 28 November 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the MU location determination controller 260 as described in the specification, page 14, line 19. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, "said A3 interface" lacks a proper antecedent basis.

Claim 3, line 3, "said modified data frame" is vague since it is not clear what is meant by "modified."

Claim 4, line 3, it is not clear what is meant by "all copies."

Claim 4, lines 3-4, "said target base stations" lack a proper antecedent basis with respect to the term "target."

Claim 6, line 5, "said mobile unit" lacks a proper antecedent basis.

Claim 7, lines 3-5, "the most correct message from said plurality of messages received from said plurality of target base stations" lacks a proper antecedent basis in claim 1.

Claim 8, line 13, "said A3 interface" lacks a proper antecedent basis.

Claims 9-14 refers to the "message transfer system as set forth in claim 8." It is not clear whether applicant meant to refer to the "system for transmitting intermittent messages" (claim 8, lines 1-2) or just the "message transfer system" (claim 8, line 5). If the latter, then it appears to be an improper negative limitation in excluding some of the features of claim 8, instead of incorporating the entire claim.

Claim 10, line 3, "said modified data frame" lacks a proper antecedent basis.

Claim 10, lines 4-5, "said target base stations" lack a proper antecedent basis.

Claim 12 appears to be a typographical error in that it is a duplicate of claim 11.

Claim 14, lines 3-5, "the most correct message from said plurality of messages received from said plurality of target base stations" lacks a proper antecedent basis.

Claim 15, line 2, "the A3 interface" lacks a proper antecedent basis. It should be --an A3 interface--.

Claim 17, line 3, "said modified data frame" lacks a proper antecedent basis.

Claim 19, line 3, "said controller" lacks a proper antecedent basis.

Claim 19, line 5, "said mobile unit" lacks a proper antecedent basis.

Claim 20, line 3, "said controller" lacks a proper antecedent basis.

Claim 20, lines 3-5, "the most correct message from said plurality of messages received from said plurality of target base stations" lacks a proper antecedent basis.

#### ***Allowable Subject Matter***

4. Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to anticipate or make obvious the system and method wherein intermittent messages are inserted into a data frame for transmission to a plurality of base stations via an A3 interface.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Choi et al. (US 2003/0054823 A1) and Lemieux (US 6,452,904 B1) describe the use of the A3 interface for communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Marcelo whose telephone number is 703-305-4373. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melvin Marcelo  
Primary Examiner  
Art Unit 2663

August 8, 2004